

### **REMARKS**

The Office Action mailed March 24, 2005 has been received and reviewed. By the present Response and Amendment, Claims 1, 8, 9, 11, 12, 13, 14, and 20 are amended, and Claim 18 is cancelled. No new matter is introduced. All claims are now believed to be in condition for allowance for the reasons set forth below.

#### **Claim Rejections Under 35. U.S.C. §112**

Claims 1-20 were rejected by the Examiner as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 1 and 14 are rejected as including the phrase "of the type". Applicants maintain that the phrase "of the type" is proper claim language, but nonetheless to advance prosecution, Applicants have removed this phrase from the claims. Additionally, Applicants have amended Claim 1 to provide proper antecedent basis.

The phrase "strirrup-like" of Claims 8, 9, 12, and 18 has been removed. Claim 11 has been amended to provide antecedent basis. Claim 18 has been cancelled. The phrase "yoke-like element" of Claim 20 has been rewritten to recite a yoke. Accordingly, Applicants believe that Claims 1-17 and 19-20 are allowable.

#### **Claim Rejections Under 35 U.S.C. §102**

Claims 1-20 were rejected by the Examiner under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent Number 5,971,104 of Woller. Applicants respectfully traverse this rejection.

Claims 1 and 8, as currently amended, and Claim 14 are not anticipated by U.S. Patent Number 5,971,104 of Woller. Claim 1 recites a foot engaging member having "a rigid tail portion having a curved elongate body and extending away from the mounting portion." Claim 8 recites a climbing tree stand assembly having "a pair of rigid footholds attached to the platform or the support arms and extending generally over the platform."

Claim 14 recites a “pair of rigid foothold devices attached to the platform or the support arms. On the other hand, U.S. Patent Number 5,971,104 of Woller discloses a pair of flexible straps for providing the outdoorsman a mechanism to manipulate the foot-support assembly. Thus, Claims 1, 8, and 14 are not anticipated by U.S. Patent Number 5,971,104. Accordingly, allowance of Claims 1, 8, and 14 is respectfully requested.

Because dependent Claims 2-7, 9-13, 15-17, and 19-20 include patentably distinct elements and limitations of their own and incorporate the limitations of Claims 1, 8, and 14 these dependent claims are allowable for at least the reasons set forth above for the corresponding independent claim. Thus, Claims 2-7, 9-13, 15-17, and 19-20 are also allowable. Accordingly, allowance of Claims 2-7, 9-13, 15-17, and 19-20 is respectfully requested.

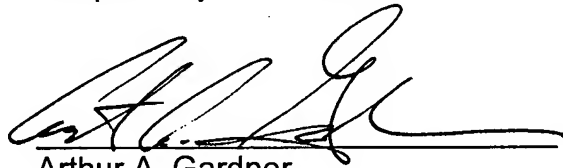
**Amendment to the Title**

Applicants have amended the title to conform to the claim amendments.

**CONCLUSION**

In view of the amendments submitted herein and the above comments, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at 770.984.2300.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Arthur A. Gardner', is written over a horizontal line.

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